

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
BRIAN VODICKA, :
 : 15-MC-283
Movant, : (JG)
 :
-against- :
 :
 : United States Courthouse
 : Brooklyn, New York
 :
UNITED STATES, :
 :
Respondent. : Friday, March 13, 2015
 : 3:30 p.m.
 :
 :
----- X

TRANSCRIPT OF CIVIL CAUSE FOR ORAL ARGUMENT
BEFORE THE HONORABLE JOHN GLEESON
UNITED STATES DISTRICT COURT JUDGE

A P P E A R A N C E S:

For the Movant: (Pro Se)
BY: Brian Vodicka
(Appearing via phone)

For the Respondent: UNITED STATES ATTORNEY
BY: **EVAN M. NORRIS, ESQ.**

For Interested Party
Gennady Klotsman: BY: **ALEXEI M. SCHACHT, ESQ.**

Courtroom Deputy: Ilene Lee

Court Reporter: Mary Agnes Drury, RPR
Official Court Reporter
Telephone: (718) 613-2615
E-mail: Mad78910@yahoo.com

Proceedings recorded by computerized stenography. Transcript
produced by Computer-aided Transcription.

PROCEEDINGS

2

1 (In open court.)

2 COURTROOM DEPUTY: All rise. The United States
3 District Court for the Eastern District of New York is now
4 in session. The Honorable John Gleeson is now presiding.

5 (Honorable John Gleeson takes the bench.)

6 COURTROOM DEPUTY: Calling Civil Cause for Oral
7 Argument in Docket No. 15-MC-283, *Brian Vodicka against*
8 *United States*.

9 THE COURT: Appearances, please.

10 MR. NORRIS: For the government, Evan Norris and
11 with me, an intern from our office, with your Honor's
12 permission, Traya Fadia (phonetic).

13 THE COURT: Sure. Where are you from?

14 INTERN: Columbia.

15 THE COURT: Welcome.

16 MR. SCHACHT: Hello, your Honor, I'm Alexei
17 Schacht, and I'm here on behalf of the interested part,
18 Gennady Klotsman.

19 THE COURT: Welcome. Nice to see you. And who is
20 on the phone?

21 MR. VODICKA: Mr. Brain Vodicka. And thank you,
22 your Honor, for letting me appear by telephone.

23 THE COURT: You're welcome. I have one issue that
24 I want to address, which relates to an ex-parte sealed
25 submission from Mr. Schacht, which I'll get to before we're

PROCEEDINGS

3

1 done, but beyond that, do we have any disagreement?

2 MR. NORRIS: I don't believe so, your Honor.

3 MR. VODICKA: There is much -- things that -- it's
4 getting down to the answers, your Honor, there is not that
5 much disagreement, there is just one or two minor points.

6 THE COURT: What do you think the two minor points
7 are? As far as I can tell, the government is willing to
8 unseal everything.

9 MR. VODICKA: Yes. The minor points are the
10 ex-parte communication docket number ten in the 02-CR-1313
11 matter, whether that should remain ex-parte. And the only
12 other thing is, in an ongoing forward basis the compliance
13 with 28 CFR 50.9, which requires the government to review
14 these cases every 60 days. And those are the only two
15 matters I think are a problem, you know, ripe.

16 THE COURT: What's the deal with this docket entry
17 ten in 1313?

18 MR. NORRIS: Yeah, I believe Mr. Vodicka, you are
19 referring to docket entry nine. I have a copy for your
20 Honor, if your Honor would like.

21 THE COURT: What is it?

22 MR. NORRIS: I have a copy -- well, it's a -- if I
23 could clarify, Mr. Vodicka I believe is referring to the
24 subject of the government's ex parte filing.

25 THE COURT: Right, yes.

PROCEEDINGS

4

1 MR. VODICKA: Yes.

2 MR. NORRIS: That, your Honor, is an amended
3 judgment.

4 THE COURT: Oh, right.

5 MR. NORRIS: And I filed it ex-parte simply
6 because there is nothing related to this on the docket in
7 the first instance.

8 THE COURT: Okay. Is there any reason not to
9 unseal it?

10 MR. NORRIS: No, your Honor, subject only to the
11 redaction of the Social Security number.

12 THE COURT: Okay. That's what we'll do. You have
13 no objection to the redaction of the Social Security number?

14 MR. VODICKA: No. No. No.

15 THE COURT: All right. And what's the other
16 issue?

17 MR. VODICKA: The other issue was 28 CFR 50.9
18 requires the government to review these matters every 60
19 days.

20 THE COURT: The unsealed one?

21 MR. VODICKA: No. No. Excuse me. Excuse me.
22 The sealed ones.

23 THE COURT: All right, but we're unsealing them.

24 MR. VODICKA: Right. And I just recently became
25 aware, I think there was an -- an in receipt report that

PROCEEDINGS

5

1 says there was a lot more than these two or three cases that
2 -- approximate data cases. And I just want to know if you
3 would entertain directing the government to report back to
4 you within 60 days; their obligation imposed upon the
5 government by statute anyways.

6 THE COURT: Report back to me regarding the
7 sealing in other cases?

8 MR. VODICKA: Yes.

9 THE COURT: No, I'm not going to do that.

10 MR. VODICKA: Okay.

11 THE COURT: I've got a case in controversy
12 instinct built into my DNA.

13 MR. VODICKA: Okay.

14 THE COURT: You asked for these documents to be
15 unsealed, we're unsealing them.

16 MR. VODICKA: Okay.

17 THE COURT: Mr. Schacht, why shouldn't I unseal
18 this ex-parte letter that's docket entry six?

19 MR. SCHACHT: I don't know what docket entry six
20 is. Is that my letter of February 23rd, 2015?

21 THE COURT: Yes. I understand your concern,
22 but --

23 MR. SCHACHT: Your Honor, there is no reason why.
24 I sent that in before I had spoken with Mr. Norris and we
25 reached certain mutual understandings about what was and was

PROCEEDINGS

6

1 not appropriate.

2 THE COURT: Okay. I think based on this, unless
3 you want to try to persuade me otherwise, I'm going to grant
4 the application. All the documents will be unsealed. I've
5 asked Mr. Norris to prepare and bring with him copies of
6 those documents so he can get them expeditiously to you.
7 You won't have to wait until they're uploaded on the file,
8 we can get them to you by Federal Express, because there was
9 some exigency to your case. Any reason I shouldn't do that?

10 MR. SCHACHT: No, just subject to the redaction of
11 certain personal information we discussed, and the substance
12 in the 5K letter that relates to details of cooperation,
13 which I was not agreeing to unseal.

14 THE COURT: Okay. Do have you proposed redactions
15 to that 5K letter that you want me to consider?

16 MR. NORRIS: That 5K letter is not part of the 02
17 docket.

18 THE COURT: Got it.

19 MR. NORRIS: So we've discussed everything that's
20 in the 02 docket, subject only to the redaction of the
21 Social Security number, we're prepared to unseal all of it.

22 THE COURT: So we'll do all of that in the 02
23 docket. All right. What else do you want me to address?

24 MR. VODICKA: That's it.

25 THE COURT: That's it? Okay.

PROCEEDINGS

7

1 MR. SCHACHT: Thank you.

2 THE COURT: Thank you, Mr. Vodicka.

3 MR. VODICKA: Thank you. Thank you, your Honor.

4 THE COURT: I'm going to ask the government to
5 send those by overnight to Mr. Vodicka. And I'll see you on
6 some other case.

7 MR. SCHACHT: I hope so.

8 MR. NORRIS: Thank you, your Honor.

9 THE COURT: Thank you. Have a good day.

10 MR. SCHACHT: Thank you.

11 (Proceedings adjourned at 3:45 p.m.)

12

13 * * * * *

14

15

16

17

18

19

20

21

22

23

24

25